## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

| UNITED STATES OF AMERICA, | )                   |
|---------------------------|---------------------|
| Plaintiff,                | )                   |
| v.                        | ) No. 4:05CR470 CDF |
| FERNANDO VALENCIA,        | )<br>)              |
| Defendant.                | )                   |

## **ORDER**

This matter is before the Court on defendant Fernando Valencia's motion to suppress post-arrest statement and motion to suppress evidence.

Pursuant to 28 U.S.C. § 636(b), the motions were referred to United States Magistrate Judge David D. Noce. On October 5, 2005, defendant appeared in Court with counsel and waived his rights to file pretrial motions and to have a pretrial hearing. Thereafter Judge Noce filed his Order and Recommendation recommending that defendant's motions be denied as moot.

Accordingly,

IT IS HEREBY ORDERED that the Order and Recommendation of the United States Magistrate Judge [#47] is SUSTAINED, ADOPTED, and INCORPORATED herein.

## IT IS FURTHER ORDERED that defendant's motions to suppress [#40 and #41] and motion for disclosure [#42] are denied as moot.

CATHERINE D. PERRY

UNITED STATES DISTRICT JUDGE

Dated this 1st day of November, 2005.